PRESERVED

App. F. IX-4

1939.
(9)
Courts

File No. 42-39
Serial Nos. 5, 7, 8

Previous References
Sb. 42-38 (1-4)
5-38 (49, 52, 53)

Letter References
Ch. 19-40, (23, 27)
" 240-40 (1)
" 246-41 (2-4)
" 246-41 (5)
Sto. 180-47-1m

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three only

PRESERVED

Part B for December 1939

SUBJECT.

Memorial presented to the Diwan by Mr. A.S. Govindarajalu Mudaliar praying that a Commissioner may be appointed to enquire into ~~the~~ the charges re: his retirement.

No. 2237 & 30.12.39 from the Private Secretary to H.H. Forwards petn. for His Perusal.

WD 0295—GPB—22,500—13-8-37

B.V.D. Shanbhag
16.1.40

Serial No.

Memorial presented to the Dewan by Mr A. S. Govindarajulu Mudaliar Munsiff (on leave) praying for reconsideration of Govt order directing his retirement from Service.

Mr Govindarajulu Mudaliar prays that:-

(1) a regular open enquiry by a Commission may be held in respect of the Charges referred to in the G.O. directing his retirement from Service

(2) the Judges of the High Court as also the permanent Chief Justice Sir O' Arcy Reilly may be Consulted before rejecting his memorial

(3) he may be exonerated of the Charges referred to in the order of retirement

(4) portions of of the G.O. Stigmatising his Character may be deleted

(5) he may be reinstated or granted full pension (half of his pay).

2) With regard to items (1) to (4) referred to above

NOTE—Contn. Sheet

Representation of Mr A.S. Govindarajulu Mudaliar

2768

C/S File No. 42 of 1938 | General and Revenue Secretariat.

Serial No.

It is submitted that no references ~~are available in the Courts Section~~ relating to the Retirement of this Officer from Service are available in the Courts Section. The matter was dealt with in the C.B.

3) ~~It is~~ In respect of item (5) of the Memorial (~~pension~~ ie Grant of full pension), reference is invited to discussions in paras 30-32 of the notes in the Courts Collection placed below and also to this Office letter dy 30-9-1939 on the subject.

Flag B (Cts 42-38-14)

Flag A

Submitted for orders with references.

CBR 20/10

4) For kindly putting up the file relating to the retirement & the petition from service

BKR 26.10.39

(C.B.)

Representation of Mr A.S. Govindarajulu Mudaliar praying for ~~further~~ enquiry into the charges against him.

The Confidential Collections relating to C.B. are placed below

CBR 31/10

Serial No.

5) This is a petition by Mr A.S. Govindaraja Modaliar (1st Grade Munsiff, Since retired) praying that an open and full enquiry by a Commission may be ordered into the charges against him.

6) The circumstances under which the Govt were obliged to pass orders retiring Mr. Modaliar from service are contained in the Govt. Order dated 6.6.39 (flag J in the C.B File 210-38-2). In this connection the minutes recorded by the Judges of the High Court are also for perusal. (See the same file) The main grounds for removing him from service were his generally unsatisfactory work and poor health; furnishing deliberately of incomplete statistical returns was also an additional ground taken into consideration.

7) In support of his prayer for an enquiry by a Commission, Mr Modaliar relies upon Sections 19 and 20 of the Civil Courts Act. I am afraid that the said Sections have no application to the circumstances of the present case. Section 19 relates to the powers of Govt to suspend or remove for misconduct any district Judge, Subordinate Judge or Munsiff. No inquiry is contemplated in this Section. Section 20 relates to the power

NOTE—Contn. Sheet

2768
-566

File No. of 19 . | General and Revenue Secretariat.

Serial No.

of the High Court to suspend any Munsiff for alleged misconduct and the Section contemplates an enquiry either by the High Court or by a Commission appointed for the purpose. In the present case no such enquiry the High Court may, subject to the confirmation of Govt., remove the Munsiff from service or suspend him or reduce him to a lower grade.

2) In the present case by the High Court there was no order of suspension of any allegation for any alleged misconduct on the part of Modaliar necessitating an enquiry either of the High Court itself or by a Commission. The Govt have by virtue of the powers vested in them ordered the retirement on account of the incompetence and poor health of Mr Modaliar.

3) It seems therefore that this is not a fit case where an enquiry need be ordered.

BKR
31-10-39

Law Secy

SECY. LAW DEPT. 2926 1 NOV. 1939 GOVT OF MYSORE

Representation of Shri [illegible] Gavindaraju Naidu

Serial No.

OFFICE OF THE FIRST MEMBER OF COUNCIL
NOV 1 1939
No 4217

This is not a case for a Commission of enquiry. He has been retired for incompetency and unsatisfactory work & poor health. The alleged manipulation of statistics is an additional ground. This last ground had not come into evidence when first took up the question of his Compulsory retirement. The High Comb & Govt were satisfied that his work was unsatisfactory

(11) If necessary, his appeal may be sent to the High Court for disposal

1st Member) G.
1/11/39

BXR
1.11.39

(12) MLL
2/11/39

G 3/11

BXR
3.11.39

(13) Submitted with draft

(It is for orders as to whether Mr Govindarajulu Naidu may be informed that his memorial has been forwarded to the High Court for disposal. A draft D.O. letter is also put up)

(14) Mr Herman at this stage -
BXR

(15) May be sent to High Court for disposal
G
6/11

BXR
9.11.39

TYPING C...
NOTE—Contn. Sheet

6

File No. of 19 . | General and Revenue Secretariat.

Serial No.

To

The Registrar High Court

P 3297 Dy 15-11-39

Forwards for disposal a memorial presented to the Dewan by Mr A.S. Govindarajulu Mudaliar

2268/39 P 39 CS 42-39-5

OFFICE OF THE DEWAN OF MYSORE.
Date of receipt 30.10.39
Petn: Repr. No. 1641

From
A.S.Govindarajulu Mudaliar, M.A., B.L.,
II Magistrate, Tumkur, (on leave and retired)
57, Kankahalli Road, Basuvannagudi,
Bangalore City.

To
The Dewan
Of Mysore,
Public Offices,
Bangalore City.

Dear Sir,

In continuation of my application D/ 4-10-'39 I have the honour to submit the enclosed full and detailed statement of my case on each of the points contained in the G.O. ordering my retirement. Under all the circumstances respectfully submitted my only prayer is that an open and full enquiry may be kindly ordered into the charge against me and into any allegations against my character and into any allegation of neglect of work.

I have the honour to be,
Dear Sir,
Your most obedient servant,
A S Govindarajulu

Madras.
24.10.39.

"The Charge".

The charge is "That you deliberately and intentionally submitted an incomplete Supplemental Statement to Quarterly Statement No. 2 for the quarter ending 30th September 1938 to hide the fact that there were 30 cases six months old pending on your file on that date."

This is what happened as far as I remember. The Head-clerk Mr. Thirunarayana Iyengar placed before me a batch of about 10 statements for my signature and approval. I mechanically initialed them all. I noticed that in one statement (it was a fairly big sized statement) the number of six months old cases was shown as 30 and the figures for two months old cases was 56. I said, "Are there really 30 six months old cases. I would like to actually check the records. Anyway this statement cannot go as it is. I must write in the remarks column and explain, how it happened that there were so many six months old cases." Saying this I took away that particular statement entitled, 'the workdone statement'. I told the headclerk to send the other statements. My idea was that only the statement contained figures for 6 months old cases and that in the other statement it was required to show that figure. I did not remember that these figures had to be shown in any other statement as these statements used to be submitted in office routine. Subsequently, the head-clerk brought the fair copies of the abstracts of statements I had approved and initialed. I mechanically signed them all without scrutinising in detail and carefully each of those statements and they were despatched.

I had detained the draft itself of the 'workdone statement'. I wanted to check if the number given was correct and peruse the records of the cases and write proper explanation for the unusual phenomenal pendency of so many old cases. About 11 of those cases were Municipal cases and there was every chance of their being withdrawn, because they were filed as test cases, and as 2 or 3 similar cases had ended in acquittal on points of law only and so there was a talk of appeal and as the Government advocate's opinion did not favour any appeal there was every chance of these cases being withdrawn. That was also the representation made by the Advocate that appeared for the Municipal Council; in fact, eventually, these 11 cases 6 months old cases and 10 other 3 months old cases were all withdrawn. Of the other 10 six months old cases many were connected and counter cases and though most of them were closed and ready for judgment, still as some more evidence had to be taken in the connected cases, I was, not able to proceed to judgment in them, as judgment had to be pronounced in all the connected cases and counter cases on one and the same day. So I hoped that I would soon dispose off those cases also.

I thought it would be best to dispose off all those cases and then to write that they were "since disposed off" in the remarks column and that would be the best explanation. In all my previous quarterly statements for my cases pending over 6 months, that used to be the chief remark I used to write instead of any long explanation. I sometimes used to delay submitting those quarterly statements and my explanations until I had actually disposed off those cases. Similarly, I wanted to delay submitting this 'workdone statement' and my explanation until I got a

reminder for them, and in the meantime I wanted to dispose off as many of those six months old cases as possible and hoped that all those municipal cases would be withdrawn. Just as I had hoped all those municipal cases were withdrawn and I was able to dispose off all those other old cases.

About this time I received a letter from the District Magistrate. It contained a copy of a letter from the High Court asking whether in my Court on 30-9-38 there was no cases pending for 2 months even. Then I at once despatched the abovesaid 'workdone statement' which I had detained and thus delayed under the circumstances explained above. This statement showed in detail that 30 six months old and 56 two months old cases were pending. I also appended my remarks and my explanation for such a heavy pendancy. My chief remark was 'they were all since disposed off, or withdrawn,' I also submitted my explanation as to why I had so long delayed sending the said 'workdone statement'. I explained that I wanted to dispose off as many cases as possible before I received a reminder and that I was waiting for the withdrawal of the municipal cases and that as there were connected and counter cases, some cases had to be kept pending. I also wrote a private letter to the Registrar pointing out to him that my long delay in the despatch of the 'workdone statement' had no motive to hide anything and no other improper motive but those detailed in my explanation and that thedelay might be excused as on account of pressure of work I could not run up to him and explain everything in person.

Then on 8-2-1939 I received a letter from the High Court saying that I was charged with deliberately and intentionally

submitting an incomplete Supplemental Statement No.2 for the quarter ending 30th September 1938with a view to hide the fact that there were 30 cases six months old on my file on that date and asking if I had any further explanations to offer.

I was taken by surprise, as I had no idea or recollection or remembrance of the existence of such a Supplemental Statement No.2. I had no idea and did not at all remember until then that any other statement but the said 'workdone statement' had to contain or contained figures for 6 months old cases and 2 months old cases.

I at once sent for the office draft of the said Supplemental Statement No.2 . I saw that in it there were clean entries of 30 for six months old cases and 56 for two months old cases. I at once asked the head-clerk in writing, to submit at once his explanation, in writing, as to how it happened that he had prepared and despatched such an incomplete statement. Then, he gave an explanation, that he did not remember what had happened and wanted to see the fair copy of the said Supplemental Statement. Then he went to the District Magistrate's Office to see the said fair copy. He learnt that it had been sent away subsequently to the High Court at the requisition of the High Court. Then I asked his explanation. He said he could not give any unless and until he had seen that fair copy. I told him it was undesirable to hold correspondence with the High Court and sort of challenge it and asked him to give whatever the explanation he still chose to give. Then he gave an explanation that he did not remember what exactly he had done. Then I put written questions to him and got written answers from him. I asked him if he had brought it to my notice that there were blanks in the fair copy submitted for my

signature and if I was in anyway aware that there were such blanks. He wrote that he did not draw my attention to that and he did not remember to have brought the blanks to my notice. Then I put a further question to him if he had left those columns blanks at my instance or under my instructions. He wrote the reply "No." Then I wrote a detailed explanation to the High Court enclosing the original of the above referred to explanation of the Headclerk in the form of question and answers. On the first day in a fit of anger at the false charge against me and the inadvertance of the clerk that had led the High Court to form that suspicion at all I had scribbled in large hand-writing calling upon the head-clerk to give at once his written explanation for the said omissions in the fair copy and in writing, especially as the draft office copy contained those figures. He gave his explanation that he did not exactly remember how it had happened. Then the next day, I again took his explanation in the form of question and answer.

These are the questions I put to the Head-clerk and he gave the answer in writing.

Q. The Head-clerk will please give his explanation as to how in the Supplemental to the Quarterly Statement No.2. for the quarter ending 30th September 1938 the figures 30 for 6 months old cases and 2 months old cases ~~wxx~~ were omitted.

A. Respectfully submitted:

I beg to submit that the omission in the fair copy may may perhaps be due to verification into details with the explanatory Memo and Statement of workdone which were sent up later on. The omission in the fair copy before despatch appeared to have been occured by mistake as the submission of the return was already overdue.

(Sd.) B.Tirunarayana Ayyangar,
Head-clerk,
10-2-39.

Q. Did I know that this figure was so omitted or was it brought to my notice?

A. I do not remember that I have told you that I have left blanks in the said statement.

Q. Did I instruct you to omit that figure?

A. No.

(Sd.) B.Tirunarayana Ayyangar,
Head-clerk,
10-2-39.

This is the fuller explanation again obtained from the Head-clerk on 18-4-1939.

"True Copy"

As per orders dated 17-4-39 calling upon me to give a true, full and complete explanation as to how certain figures in the Supplemental Statement No.2. were left unsupplied, I submitted my explanation on 15-4-39 that I had nothing more to add or delete from what I had already submitted in this connection. Having been called upon once again to submit a full and true account I am submitting herewith from my memory that the office copy of the statement in question was prepared and submitted for favour of signature along with the connected statements with the explanatory Memo and the fair copies there of.

2. The omission of the figures under explanation in the fair copy might be due to the fact that they were reserved for verification into the details with the explanatory Memo and the workdone statement and for insertion later. The statements were despatched by mistake without remembering or noticing the omissions in the anxiety that they were overdue.

3. The omission of the figures in the fair copy of the Statement did not occur to memory and I was under the impression that the figures were all given in full as the office copy contained figures in columns concerned.

4. Regarding the person that faircopied it I submit I am not in a position to say who faircopied it unless I have to look into the original, but I remember that it was the Copyist who did it.

5. In this connection I most respectfully submit that there was no intentional omission in my part except that it occured through overeight.

(Sd.) D.Tirunarayana Iyengar,
Head-clerk,
18-4-39.

This is the explanation obtained from the Copyist on 19-4-1939.

"True Copy"

Respectfully submitted:

In obedience of your Memo dated 19-4-39 calling for my explanation as to how the omission occured in the fair copy of the Supplemental Statement to No.2 statement for the quarter ending September 1938, I beg to state that columns might have been left blank in the fair copy, mmm perhaps for their insertions after the verification into the details with the explanatory Memo and workdone statement.

(Sd.) D.Sita Ramiah,
Copyist,
D/- 19-4-39.

I cannot say definitely I have done the fair copy unless I have a look into the original. I remember I might have done it.

(Sd.) D.Sita Ramiah,
//Copyist,
D/- 19-4-39.

Because my writing was in large and scribbled hand-writing and as it was done more for my own information and not to send it to the High Court in original, I did not

send this in the first instance to the High Court, but I only sent the detailed question and answers explanation that I had obtained writing my questions in a clear and calm hand-writing on the next day. But subsequently, I despatched this explanation also of the head-clerk.

Now I shall during the enquiry submit that question which I have scribbled.

I showed both these explanations and my written question and head-clerk's written explanatory answers to the Deputy Commissioner and explained everything to him. I told him that I was bringing to his notice almost once a week or once a fortnight, that is whenever I met him and he used to ask me the state of my file, that there were any number of 6 months old cases and praying that the Municipal cases might be ordered to be withdrawn. I brought these also to his notice. I wrote my detailed explanation and forwarded it to the High Court along with my the said explanation of the Head-clerk and also the copy of the monthly statement sent to the District Magistrate the very next day (21-10-38) after submitting to him the said supplemental statement No.2. on 20-10-38, giving all the cases pending over two months with the serial numbers of cases and their dates of institution all complete. I submit that if it were my intention to hide the number of six months old cases I need not have left the column for two months old cases also blank, as in fact it was this fact that arrested the attention of the High Court. I submit that I only delayed the 'workdone statement' awaiting a reminder for it just to gain time. This Supplemental Statement was sent only to the District Magistrate and not to the High Court and that as the District Magistrate know and the District Magistrate's clerk who prepared the consolidated statement ought to have known that there were any number of six months and two months old cases from the monthly statement I had despatched the very

next day (i.e. 21-10-38) and nearly a fortnight prior to his preparing the consolidated quarterly statement to the High Court on 2-11-38, I could not ~~km~~ be said to have tried to hide or to have hidden anything from these persons. Unfortunately, for me the judicial head-clerk had been just then newly transferred and was new to his work and did not know what all statements used to be submitted, and without calling for the 'workdone statement' and scrutinising the statements properly and noticing the blanks and the fact that in the monthly statement the ~~true~~ Complete details of nearly 86 cases over two months old and a very large number of them over 6 months were given, he or some clerk on his behalf mechanically compiled the consolidated statement and sent to the High Court. I only stress the point that my statement was sent to the District Magistrate and he knew personally that any number of six months old cases were pending and that the very next day 21-10-38 after submitting the quarterly Supplemental Statement No. 2. the monthly statement was submitted with full and complete details, giving the actual date of institution of all the two months old cases even (including the six months old cases). The information that there were a good number of 6 months and 2 months old cases was available in the tatements supplied immediately and long prior to the preparation of the consolidated statement by the District Magistrate's Office on 2-11-38. So I could not be guilty of deliberately sending incomplete statement with a view to hide the said information which was available in full and complete detail in the monthly stat ment despatched the ver next day. Then if I had wanted to hide those figures and to mislead my superior officers why should I have drawn such a ~~kmmm~~ fairly elaborate and detailed

statement as the workdone statement at all. If I had only noticed or remembered that, there was such a statement as the Supplemental Statement No.2. which also contained columns for 6 months and 3 months old cases, I would have at once detained and delayed despatching the said Supplemental Statement No. 2. also, just, as I had delayed and detained the workdone statement itself. Despatching the one and detaining the other would be futile and purposeless and meaningless. In fact, I sent for the tapal book to see what I had done with regard to both these statements in the previous quarter. I found that I had despatched all the other statements, but I had delayed sending only both the workdone statement and the Supplemental Statement No.2., until I had disposed off some of the 6 months old cases. Thus, either I must have done evidently, mechanically or the head-clerk himself must have delayed and detained them at my instruction, as I wanted to sell the statement for 6 months old cases only after disposing off as many of those cases as possible before receiving a reminder for them. If only I had remembered or had an idea or recollected that there was this Supplemental Statement No. 1, also, similarly, I would have delayed and detained this Supplemental Statement No.2. also, ~~similarly, I would have delayed and detained this Supplemental Statement No.2.~~ also for the quarter ending 30th September 1933, just as I had delayed and detained the workdone statement itself for the quarter in the idea that only that statement contained the figures for 6 months old cases.

My previous habit regarding the despatch of the statements might be looked into. They would disclose the fact that I always used to delay Submitting the statement of

six months old cases if necessary, so that I might send it subsequently with the explanation "since disposed off" and I was never before found fault with for such delay in the despatch of such statement or statements, becausethe High Court used to review the pendancy of 6 months and 3 months old cases after a delay of nearly two months or so and it led to no inconvenience, though I used to wonder, why no notice was taken in the remarks in the reviews on those pending cases of the fact that I had explained that those 6 months old cases had been since disposed off. But then my pendancy was never before very high. I was never/even once warned for any such pendancy and if the head-clerk had left those columns blank at my instance would he not say so? Would he admit that he took my signature to a fair copy of a statement which did not correspond with the approved office draft without bringing the fact to my notice and despatched the same also without ~~giving~~ bringing it to my knowledge.the said omissions thus jeopardizing his own position as the head-clerk of my office? What influence or power of mine could make him put his head into such a noose and risk his appointment? No. I submit ~~ehe~~ he or even if he had wanted to pull me out of an awkward hole he would never have done so at the risk of his appointment, but still being a honest and straightforward clerk in his own way he takes his part of the blame bravely and speaks out the truth and says he did not leave those blanks at my instance or even with my knowledge. A clerk of a lesser moral caliber would have tried to shove the blame on the officer, especially when that officer was under suspicion. I expected that the High Court would be satisfied with these explanations and would be convinced

that I did not know ~~that there was such blanks and~~ were that there were such blanks and that there were such blanks and that I did not intentionally and deliberately submit that statement to hide any fact because that information was available in the monthly statement itself sent the very next day. In fact, soon after I sent the workdone statement to the High Court I wrote a private letter to the Registrar saying that I did wrong in delaying the workdone statement so long, but it could never be suspected that I did it to hide anything, as in fact in the next quarterly figures I must perforce give the numbers pending at the last quarter and then and then the numbers pending at the current quarter. So I told him that no suspicion must attach to my delaying the workdone statement until then. In fact that is the truth as I only wanted to submit it after some delay and with the remark that most of the cases were "since disposed off" as I did not even know of the incomplete form in which the Supplemental Statement No.2. was despatched I could not at all have intentionally and deliberately sent it with the intention of hiding the fact that there were 30 cases pending over 6 months. then.

The District Magistrate to whom I personally explained everything producing the tapalbooks and other entries was convinced of my bona fides on this point. He had every opportunity of cross-examining me and personally examining the Head-clerk and the other clerks and his own clerks, if he had doubted my statements. But he was convinced that my explanation of this charge was the truth and ought to be accepted and so did not care to make any further investigation or enquiry. I too was confident that my

explanation would be accepted, because if I am permitted to state this I never dreamt that I would be seriously accused of or believed to be guilty of such a silly and thoughtless act. If I had done such an act what hold can I have on my clerk or clerks and would I not have been placing me myself at thêir mercy? Is it possible that I would have stooped to do such a silly and in fact ineffectual act, if for argument sake I admit I did it, then, the very next quarter, I must give these figures and then I would come for the censure and accusation.

Iff I had at that time remembered anything about the Supplemental Statement No.2. or noticed that the Supplemental Statement No.2. ought to contain the figures for 6 months cases then I would have delayed and detained that statement also, along with the workdone statement. In fact, I find that in the statements sent for the previous quarter, I had in fact delayed sending both the Supplemental Statement No.2. and also, the workdone statement, and sent them subsequently with my explanations and remarks for the delay. My previous statements also in Tiptur and Mysore may be kindly sent for and scrutinised and they will bear out my practice and my bona fides.

I was and am scrupulously honest and can and will never stoop to such mean and dishonest trickery as is suggested by the charge. I belong to one of the best Mudaliar families being the great grandson of late Appavu Mudaliar, one of the eminent administrators of Mysore under the rendition and after, and I am the grandson of Lajana Bakshi Veeracami Mudaliar. My father died of plague as a clerk in the Revenue Commissioner's office

early in his life before he could rise high. I am connected by marriage with the family of Dr. T.V.Arumugha Mudaliar. By family tradition I could not have done this. I am a student of the Madras Christian College, where I read under eminent Missionary Professorsfrom the 2nd Form till my M.A. and by training such duplicity and meanness are alien to me. I was scrupulously honest and boldly truthful irrespective of all consequences all through my service, and suddenly would I have committed this lapse. I can only say I would have never dreamt of such a mean trick or of such a kind of lie. Subsequently when I heard that the matter was reported to Government for punishment, Then I again obtained more detailed and complete statements from my head-clerk and the other clerks and the Copyist who were all concerned in one way or the other in the preparation of that statement. Of course they were all handicapped as I also was by the fact that the original statement itself was not ~~was~~ available for Inspection as it had been subsequently taken by the High Court. Still they all gave their explanations. It was to the effect that the columns were left blanks in order to later verify the ~~blank~~ figures and enter them in the appropriate columns, when I had passed the workdone statement, after checking the records as I wanted to, but, that that statement was inadvertantly despatched before the blanks were so filled up as the statements were overdue. Their explanations show that I had nothing at all personally to do with these blanks. Then I added my further explanation that I would explain the way these blanks were left must be thus: That is, on that day when I had obtained the workdone statement saying I would pass it after actually checking the records and writing my explanatory remarks. Perhaps Naturally, the Head-clerk left the

blanks in the Supplemental Statement No.2. to fill it up later on when I had finished checking the figures given in the workdone statement. But, then since I delayed it long and in the meantime as the statements were already overdue the head-clerk or some other clerk despatched them without making good those blanks and omissions and for the moment forgetting the fact there were such blanks at all. In fact the clerks even never remembered it until the fact was brought to their notice by the High Court itself in that way by the D.O. to the District Magistrate asking him to verify if in fact there were not even 2 months old cases pending in my file on that date. In fact the clerks wanted to give their explanations only after seeing the original Supplemental Statement, but I insisted, perhaps I was wrong in doing this, that they should give their explanations forthwith and they gave theirs.

If all these facts are duly considered, it will prove beyond the possibility of any doubt that I did not at all know of those omissions and blanks in the said statement until the High Court drew my attention to it. So, I am not guilty of the said charge at all. I can only say and repeat that I am incapable of such a thing and such a lie and duplicity and deceit is beyond me and alien to me, because of my family tradition and the noble training. I say nothing about the fact of the act itself being a most silly and thoughtless one and that no one in his senses would have even dreamt of doing such a silly thing at all. I who kept straight always would never have done it. I never thought that my explanation would not be accepted. Of course, I am

to be punished for the gross carelessness in signing a fair copy without properly scruitinising it, but I plead this only in extermination of my case, who would have suspected a head-clerk of that standing and character to have done such a thing as leave blanks and place the Statement along with a number of other fair copies of other statements and mislead me into signing them all in the full belief that they were all correct and correct copies of the approved office drafts. I had no reason to suspect even carelessness as he was an experienced and proved head-clerk who knew his work, so I was mislead by my well-placed (not misplaced) confidence in my head-clerk. For this I am responsbile and I will take any punishment. But, I am not guilty of the charge and I may be honourably exhonerated of the charge and charge only.

Only my explanation was asked for and I gave it, strictly confining myself to the charge and making it as brief and pointed as possible. It was not accepted. This I find only in the G.O. which ordered my retirement. Before that I did not know that I was found guilty of the charge. I hoped that at least if the other Judges did not differ from the opinion of the Chief Justice the Government at least would see the thing in its true colours and will have no difficulty in finding out the truth that I was not guilty of the charge, as I had placed the additional statements and other documents before it through my Memorials.

In fact in my Memorials I had submitted that an enquiry would bring out the truth. I wanted in plain words to insist that the High Court should order an enquiryinto the charge, but once before in 1933 I was

told that it was none of my business to say what the High Court ought to do. So I did not insist that the High Court itself should order an enquiry, as I was quite sure that the High Court itself would order an enquiry if it did not accept my explanation and before taking any serious disciplinary action against me on that charge. But the moment I came to understand only indirectly and by hints that the matter was referred by the High Court to the Government I submitted in my Memorials that an enquiry may be held to find out the truth. In my personal interviews with the Member and the others I submitted that in case my explanation was not accepted an enquiry might be ordered. Here again I was handicapped, because I was informed that there was an alternative proposal that I should be either retired or reduced to Rs. 400/- and hoped that I would be only reduced to Rs. 400/- only and I never dreamt that such a serious action as removal from service would be taken in such a summary way. So, I did not seriously put up a regular fight as it were for my constitutional rights for ~~regular charges and~~ regular enquiry, etc., as I was confident that if Government contemplated to take any such serious action, it would certainly not proceed in such a summary way at all, but, would proceed quite constitutionally and deliberately, and would itself order a regular enquiry on regular and properly framed charges and also take the opinion of a Medical Board and not be guided by rumours and mere confidential reports, only, on which even my explanation was not called for. So, I pray that a regular open enquiry, if possible, by a Non-Official Commission, be

kindly ordered regarding the charge already framed against me, as I assert that though I am official responsible for the omission in the said statement in as much as I have signed it, still it does not touch my ~~morality~~ character or ~~however~~ honour in as much as I had no idea of these omissions, at that time, and had signed it in the full confidence and faith that everything was correctly prepared according to the draft already approved. I submit especially that ~~there is no meaning in my being~~ I should not be even suspected of any such thing, because the very next day in the Monthly Statement I had given a full complete and detailed list of all the cases above 2 months old in which were included the six months and three months old cases also. A copy was already enclosed in my Memorials.

So, I have placed the full facts relating to this affair and I can prove every word of the above Statement. The District Magistrate was convinced of my innocence and I believe every one who listened to my full and complete and detailed explanation is convinced of my innocence of this misconduct, i.e. that I did not intentionally and deliberately do it to hide anything or to ~~mislide~~ lead my superior officers, because that very information was available from other records and statements submitted the very next day and in fact the District Magistrate to whom and to whom only I submitted my said statement knew of the existence of any number of 6 months old cases on my file then and there was no idea of misleading him.

I was only afraid that my too long delay in despatching my abovesaid and so called workdone statement would possibly be misconstrued as trying to hide the figures, but I

knew that the review of the six months old cases would generally be taken up practically at about the end of the next quarter and I was sure that a reminder would come for it and I was daily expecting it, so that I might despatch it then. But, unfortunately it happened that instead of my receiving a reminder for the statement I was asked if there were not even 2 months old cases on my file, at the end of the September Quarter. Then, I despatched the said "workdone statement" and also my written explanation for the pendancy of so many cases, and prayed that the delay might be excused. I am ~~not~~ only guilty of this delay. I do not for a moment deny that I am officially responsible for submitting that Supplementary Statement No.2. containing those blanks. But, I say that I did not intentionally and deliberately do it to mislead my superior officers or to hide any facts and figures from them.

There were exceptional and quite substantial reasons for the unusual pendancy as already pointed out in my detailed explanations for the unusual pendancy of such a large number of six months old cases and when I had substantial reasons I had no motive to hide anything, especially when never before I was even once warned for any heavy pendancy of six months old cases. All that I wanted was to avoid even a slight remark and wanted to submit tmy usual explanation "since disposed off", and so, I only delayed the workdone statement.

The very fact that those columns were left as clean blanks proves that the intention was to fill them up later on before despatch.

It was a great handicap to me and my clerks that we submitted our explanations without looking at the fair copy. I pray that the original fair copy of the statement may be made available at the enquiry and I and all my clerks, i.e., the 3 clerks and the 2 copyists of the II Magistrate's Court, Tumkur, and the clerks of the Judicial Department and the District Magistrate may all be kindly examined on this charge against me. It is my clerks who actually prepared and despatched the statements and they know and ought to know what actually happened and their examination is, I submit, essential to find out the truth. The tapal-books of the District Magistrate's Office and all the documents and statements that I have previously submitted in my previous Memorials may kindly be examined during my enquiry. They would all substantiate my case.

In the first instance I strictly confined myself to the point that I personally had nothing to do with those blanks and in fact knew nothing about those blanks and gave a very brief explanation. Subsequntly, when I submitted my Memorials I tried to explain how such blanks must have occured and placed the fuller explanations of the clerks and all the other documents. So, I submit that an open enquiry and an examination of those documents is absolutely necessary to find out the truth on this charge, when especially the District Magistrate, my immediate superior officer was, I believe, fully convinced of my innocence of the charge.

Merely taking my explanation only was not enough as the gist of my explanation was that I did not know anything about it and it was prepared and submitted by my clerks

in office routine. Hence, I submit that a regular open enquiry by an independent tribunal is necessary in the ends of Justice and Truth.

I most respectfully and with hesitation submit that it is an elementary principle of Justice and Procedure that the accuser himself can ever hardly do justice to the accused that the accused must not be judged solely by his accuser. But, unfortunately in my case it happens that the Chief Justice himself is theaccuser and has been practically the sole Judge. So, I humbly pray that an open enquiry by an Independent Special Officer may be ordered, as it is absolutely necessary, to find out the truth on this charge. I submit that in the case of Gazetted Officers before any severe disciplinary action such has been done in my case is taken the matter is required for special enquiry by a Special Officer so that the matter be thoroughly investigated. I only regret that such an opportunity had not been given to me. If such an opportunity had been given to me, I should have been able to explain all the charges against me and meet them satisfactorily. I crave that this privilege may be shown to me now at least. The G.O. passed in my case besides the heavy pecuniary and other losses, it involves is likely to be leave a stigma on me which will affect my prospects and position in life. On this ground also I request you to have the matter examined once again and most thoroughly and expunge the remarks by modifying the order in the light of the findings arrived at, at such an enquiry.

The Mysore Civil Courts Regulation, 1883, Sections 19 and 20 run as follows:--

19. Any District Judge, Subordinate Judge, Munsiff or (a judge of the Court of Small Causes), may for any misconduct be suspended or removed by the Government of Mysore.

20. The High Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct or appoint a Commission for enquiring there into.

On the completion of such enquiry held by itself, or on receiving the report of the Commission appointed to conduct such ~~xnnt~~ enquiry the High Court may, if it thinks fit, and subject to the confirmation of the Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

It almost reads as if it is a ~~guarantee~~ guaranty that no Judicial Officer would be removed from office except for misconduct and after regular open enquiry. And, I pray that as a Judge I might not be denied this privilege of an open enquiry, especially when such a serious action is taken against me.

The Manual of General Circulars and Standing Orders Part I reads as follows:

Act. 213 R I. In the case of alleged grave misconduct on the part of an officer in connection with his public duties an informal and confidential enquiry should in the first instance be made by an official superior or by an officer specially deputed for the purpose by Government.

216. If the priliminary investigation discloses misconduct of a grave character, Government will decide whether the matter should be dealt with departmentally or whether prosecution, etc.

229. The Government on consideration of the report of the enquiry officer and remarks of the authorities through whom the report is submitted may proceed to pass orders direct further evidence, etc;

230. Petty cases no.

234. "Fraud,"dishonesty continued and wilful negligence and all offences involving moral disgrace etc.,--dismissal.

These also guarantee safety and an enquiry to a Gazetted Officer and I pray that an enquiry may be ordered into the charge against me. When I pray only for an open enquiry after 17 and odd years of service as a Gazetted Officer, I hope I will not be denied this elementary privilege. I submit that obtaining merely my explanation on an act evidently done by others was hardly enough and when the District Magistrate himself, the officer on the spot, was convinced of my innocence of the charge, I believe that an open enquiry is indicated and is absolutely necessary in my case. I submitted the fair copies and office drafts were submitted for my signature on one and the same day it is for the head clerk to explain how or why he submitted such a fair copy with blanks and which did not correspond with the draft.

I pray under the above circumstances that an open enquiry by an Independent Commission may kindly be ordered into the charge against me.

A.S. Govindarajulu

24.10.39.

My Work.

I only know of the adverse remarks about my work made by the Chief Justice on the Inspection Notes of the 2nd Magistrate's Court, Mysore in 1938.

Here the remarks were that at the time of the last previous inspection there was no case more than three months old. At the time of this inspection there were 49 Regular Cases over 3 months old and 11 Regular and 3 Miscellaneous Cases more than 6 months old. In the Miscellaneous Cases Mr. Govindarajulu Mudaliar had made such serious mistakes that the time spent on the cases has been wasted. His supervision of his office had been obviously ineffective. Mr. Govindarajulu Mudaliar's work cannot be regarded as efficient.

I submitted that it was not true as stated by the District Magistrate that I had failed to pass any preliminary orders in the Miscellaneous Cases, but that I had in fact passed such preliminary orders in each one of those cases. But then they were done in a skeleton form and the orders were quite short. Because the practice in that Court was to use printed forms or to copy the printed forms and supplying the blanks and despatch the order for service in that completed and full form. So, just as the Court orders "Issue Search Warrant or Warrant," I had simply ordered issue notice to the parties post on such and such date attach the field,etc. But, such an order when it was despatched was sent in a complete and full form either modelled on the printed form or copied out and filled in from that form. So, there was absolutely no kind of prejuidice and perhaps there was not even any serious omission in this fuller order as actually

served on the parties, to state that I had altogether omitted to pass preliminary orders was not quite exactly correct and to do this on the administrative side in the course of office inspection without taking my explanation was not quite fair on me or on even the parties. So, I submitted that I had in fact passed those preliminary orders even if I had done them in a somewhat laconic and short form merely because they would be later enlarged and will be despatched in the full and complete form. ~~I enclose the printed forms that were used in that office.~~ They were borrowed from the Special I Class Magistrate's Court, Nanjangud. I sent in my note of explanation before the remarks by the Chief Justice was forwarded to me.

In that I noticed that there were incorrect statements, ~~because~~ whereas it was said that there were 3 Miscellaneous Cases 6 months old, in fact no Miscellanerous Case was 6 months old on the date of the inspection. Then it was said that there was no 3 months old case pending at the time of the last previous inspection, but in fact there were 7 six months old cases and in all 20 three months old cases then. These figures were perhaps omitted by mistake by the District Magistrate's Clerk who took the Inspection Notes. I came to the Registrar and told him of these mistakes in the data supplied and on which the said adverse remarks were evidently based. I also saw and explained these things to the Assistant Secretary and Under Secretary ~~xxix~~ and I wanted to give ~~all~~ an explanation calling attention to the incorrectness of the said data, but I was ~~told~~ advised that as my explanation was not called for and as no punishment was thought of and as the remarks were a sort of negative, I need not worry to volunteer any explanation until I was called upon to do so. And since I was dealing with a European Officer whom I should not worry too often and

who was not easily accessible I did not send any explanation on this matter as I was sure that if there was to be any kind of punishment or black mark my explanation would be certainly called for.

Here, I submit that the 49 cases that were 3 months old includes the 11 six months old cases also. Then these figures were taken on the 8th of May 1938. The Inspection itself was on the 11th of May 1938. By that time I had disposed off 4 of the 11 six months old cases. And in only 24 of these 45 remaining three months old cases the accused had appeared, in 21 cases the accused had not appeared. If perhaps, these correct statistics and data and explanations had been submitted, the Chief Justice might not have passed such a severe remark.

Then, now I received the letter containing the Charge framed against me and in that letter was incorporated the remark, "Your work as a II Magistrate at Tumkur has been found unsatisfactory", and my explanation was called for on this also.

My explanation for the delay and the accumalation of about 30 six months old cases is this:

I had taken charge only at the middle of the quarter previous to the September quarter. I had to begin most of the cases. There had been frequent change of Magistrates before and the work had been accumalated, i.e., the cases were put by. Thus, when I took charge there were 17 cases which would have become 6 months old at the end of that quarter, out of the 30 cases that remained 6 month at the end of September quarter 24 were not begun at all by my predecessor and in 3 cases only 1 p.w. and in 1 case only 2 p.ws. had been examined by my predecessor.

There was the combination of Civil and Criminal work, and being new to this kind of work and desiring to show some good disposals on the Civil side, I tried to devote 2 entire days each week entirely for the Civil cases and though I was able to get through some 3 or 4 civil cases of a very contested nature (most of the cases that are transferred are of a very contested nature), was not able to be equally expeditious in the Criminal side. Then again out of all these 30 cases 11 cases were Municipal Cases and they were posted sinedie pending the decision of the District Magistrate, either to allow or disallow the appeal against the acquital order passed in 2 exactly similar cases. The Municipal Counsel Mr. Ranga Iyengar had given an undertaking that if there be no appeal, he would withdraw all these 11 Six months old cases and 19 three months old and other Municipal Cases. Subsequently, there was no appeal and they were all withdrawn. So, these cases had to be kept pending awaiting final orders from the District Magistrate on the 2 cases that had been already acquitted.

Then out of the remaining cases 5 were connected cases forming one set and 3 were connected cases forming another set and in the remaining cases also some were connected cases. So, though most of the cases were closed and ready for judgment until the other connected case also was ready for judgment, the connected cases of that set had to be kept pending.

In other cases there were individual and special reasons for their pendancy like the non-attendance of witnesses who had to come from distant places,etc. Further, I had to keep pace with institutions also. There was an increase

in the institution of Criminal cases as per statistics appended. In the time of Mr Srinivasan the institutions for one year were 382. In my time two 1 year + 13 days the institutions were 615. It takes nearly 3 or 4 months for the new Magistrate to get everything into order and get these cases posted to good dates and so in the very 2nd quarterly statement which I had to submit I had to show this large pendancy. But, very soon I had brought the work thoroughly under control and in the very next quarter I showed only 1 six months old case as pending and in the quarterly statement for December 1938 I showed a nil figure for 6 months old cases and considerably reduced the pendancy of 3 months cases and the total number of cases also as per quarterly statements furnished for those quarters.

I had an attack of Influenza and Diorrhoea in that quarter and was on leave for about 10 days in all and that to some extent dislocated the work.

So, my submission is that it is not due to any neglect of work on my part that there was such a pendancy. It was more or less due to accidental circumstances.

Then again as I submitted that there was an increase in the institution of Criminal cases during my time, as per statistics furnished. In the Inspection Notes for the year 1938 the District Magistrate had remarked, "This Court usually works till 7 p.m." In the Inspection Notes for the year 1939 the District Magistrate had remarked that the work of this Court is heavy and it should be relieved of Civil work.

This shows that there was over-crowding of work and not sufficient time to do both Civil and Criminal work satisfactorily and one or the other was bound to suffer as greater attention was devoted to the other.

This is my explanation for the remark against me that my work as Additional Munsif was bad.

In the subsequent quarters I tried to devote greater attention to the Criminal Cases and reduced that file, but naturally the disposal on the Civil side was not satisfactory . On a consideration of these facts, now no Civil Cases are now being transferred to this Court.

"But his work has too still to be watched." This remark in the Confidential report against me for the year 1936-37 was communicated to me on 27-9-37. But, as the District Magistrate was quite satisfied with my work and as there was no adverse remarks against me in the Inspection Notes about my work, I did not know to what this remark referred to and as my explanation was not called for and as I had just then earned my increment I did not know to what particularly this remark applied. I put it down that it related to some anonymous petitions against my health and work.

I had earned my increment in 1936. In 1937-1938 the rather unsatisfactory remarks about my work as 2nd Magistrate, Mysore were based on incorrect statistics supplied by the District Magistrate's Office as explained above in detail. I have explained my reason for the temporary delay in the disposal of cases in as 2nd Magistrate, Tumkur. I submit that I cannot be said to have neglected my work or shirked work, but as there was not sufficient time to do satisfactorily both Civil and Criminal work there was delay in the disposal of these cases. My statistics show that my output of work is not below the average.

My statistics show that subsequent to my last increment at Tiptur, I left the files at Mysore and at Tumkur in a better state in some respects than when I took charge of those courts.

Mysore 1937.	No. of cases Total.	No. of cases 6 months old.	No. of cases 3 months old.
When I took charge on 23-8-1937	152	14	33
When I handed over charge on 12-5-1938.	128	6	36

**Remarks. In 63 of the cases accused had not appeared. In 21 of the cases that were 3 months old, accused had not appeared. In 3 of the 6 months old cases accused had not appeared. If computed from the date of the appearance of the accused No case was 6 months old.

	No. of cases Total.	No. of cases 6 months old	No. of cases 3 months old
% At the time of the last previous inspection on 16-8-1937.		%7	13
@ At the time of the inspection during my time on 11-5-1938.		@11	38

%Remarks. By some error in the office of the District Magistrate these figures had been omitted. This led to the impression that that there was no 3 months old cases even and based on this incorrect statistics there was a remark against me that my work could not be said to be satisfactory.

@Remarks. These are the figures taken 3 days before the Inspection, but by the time of the Inspection 4 of these 6 months old cases had been disposed off leaving only 7 . In 21of the number of 3 months old cases accused had not appeared.

Tumkur 1938

When I took charge on 16-5-1938.	No. of cases Total. 86	No. of cases 6 months old. Nil.	No. of cases 3 months old. 46
At the time of the inspection on 5-5-1939.	78	Nil.	29

Never before was there ~~nay~~ any severe remark about the pendancy of 6 months old cases in any of the previous quarterly reviews or even the monthly reviews, as my pendancy of 6 months old cases never used to be high. Only for the delay in these 2 quarters during those 1½ quarters I submit, that the punishment meted out is very heavy and drastic, as I was never even once reduced. I submit that if any unsatisfactory reports against my work are specifically communicated to me, I might perhaps be able to give some reasonable explanations. My explanation not being obtained is a serious handicap to me. I submit that my explanation at least ought to have been obtained on such unfavourable reports about my work before any serious disciplinary action was taken against me.

I always used to work methodically in the office from 11 A.M. to 5 P.M. taking 35 to 40 minutes of Lunch Interval besides the work at home in studying the records and writing Judgments. I submit I never neglected work.

The appended statistics prove this.

As Govindaraju
14.10.39.

	Number of cases Total	Number of cases 6 months old.	Number of cases 3 months old.	Remarks.
Mysore 1937-38.				
When I took charge on 23-8-1937	152	14	33	
When I handed over charge on 12-5-1938.	128	6	36	In 63 of the cases accused had not appeared. In 21 of the cases that were 3 months old accused had not appeared. On 3 of the 6 months old cases accused had not appeared. If computed from the date of the appearance of the accused, no cases was 6 months old.
At the time of the last previous inspection on 16th August 1937		7	13	By some error in the Office of the District Magistrate these figures had been omitted. This led to the impression that there was no 3 months old cases even and based on this incorrect statistics - there was a remark against me that my work could not be said to be satisfactory.
Tumkur 1938-39 -				
When I took charge on 16th May 1938	86		46	
At the time of the inspection on 5th May 1939	78		29	

Criminal side.

Year.	Number of cases instituted.	Number of cases disposed off	Number of witnesses examined	Average number of witnesses examined per month	Average number of cases disposed off per month
1935.	382	416	1303		

1937	454	431	1314	80	36
1938	532	460	2003	155	41
1939 till end of May as I handed over charge in June	558	599	1704		
Total figures during my period from 17-5-1938 to 30th May 1939	515	619	1883	147	50

Civil Side.

	Total number of cases disposed off	Number of considered Judgments.	Number of witnesses examined.	Remarks.
Mr. H. Venkatakrishna Setty, B.A., B.L., from 27-1-1937 to 4-4-1937	12	8	64	In the inspection notes last year, the District Magistrate observed that this Court usually works till 7 P.M and in this year's inspection notes he observed that the Magisterial work of this Court as heavy and it should be relieved of civil work So there was overcrowding of work, I could not dispose off more civil cases
Krishna Setty, B.A., B. from 17-5-37 to 2-8-1937	6	5	47	
R.P. Vasudev, B.A., B.L., from 2-8-37 to 16-5-37	11	8	87	
Myself from 17-5-38 to 10-4-3	7	5	80	

A.S.G. received again
27.10.39.

Remarks.

When my increment was deferred once in 1936 while I was at Chitledurug my explanation was not taken on any adverse reports against me. Regarding ~~my~~ the remark in 1937 "His work has however still to be watched," I submit I did not know what aspect of my work had to be watched. I did not know exactly to what it referred to. Similarly, regarding the remark "His work as II Magistrate, Tumkur is found unsatisfactory", I could not know to what exactly it referred to. And I could only guess that it perhaps referred only to the delay in my disposals. So, unless the specific reasons why my work was considered unsatisfactory ~~or~~ are communicated to me, I will not be in a position to offer any explanation regarding them.

My Character.

The G.O. retiring me contains the following words:

As the reports regarding the character . . . .. of Mr. A.S.Govindarajulu Mudaliar, ... were very unfavourable . . . . .

I know nothing of any adverse remarks against my character. No adverse reports or remarks against my character were ever communicated to me and my explanation was never called for an any such remarks. I applied on 7-8-39 after the G.O. ordering my retirement, to be furnished with copies or extracts of any such remarks if there any, but this was refused.

I never had even a hint that there was any allegation against my character in the Confidential Reports.

I always bore an exemplary character and I have not done one act which I need ~~even~~ deny. I have done nothing dishonourable. The unanimous Resolution passed by the Members of the Bar Association, Tumkur, about 10 days after my retirement, dat d 20th June 1939, "The Members of the Bar Association, Tumkur, in meeting assembled on 20-6-39 place on record, their appreciation of the uniform courtesy shown to them and the litigant public by Mr. A.S.Govindaraju Mudaliar, who was till recently the Special II Class Magistrate here," shows the regard they entertained for me. If they thought I was wanting in character or if there was any thing dishonourable in my character, they would never have cared to spontaneously meet and pass such a unanimous resolution. All this shows that there is nothing against my cha racter and if there be any allegations I may be informed of the same

and the matter may be thoroughly investigated and enquired into. I submit that the mere whisper of rumour and confidential reports, if any, of which I am kept actually ignorant should not be made the basis of my condemnation or even any serious disciplinary action against me before first my explanation was obtained and unless and until the matter was thoroughly investigated and enquired into and a definite finding was arrived at. I know best about myself and I know that I have not done anything the least dishonourable or any act which can be said to be not decent. By birth and training and tradition I am above such things.

I am a descendant i.e., the great-grandson of late Appavu Mudaliar, who was an eminent adminstrator of Mysore, during the tradition and the grandson of Kajana Bakshi late Veerasami Mudaliar and my wife is the daughter of late Rao Bahadur Raja Karyapravina Dr. T.V.Arumugha Mudaliar;syounger brother late T.V. Thiruvengada Mudaliar Personal Assistant to late Sirdar M.Kantha Raj Urs.

I am an alumnus of the Madras Christian College, where I studied from the 2nd Form till my M.A. and that training cannot be easily wiped off. I am above being a lier and doing anything not decent or gentlemanly. After 17 years of honest and honourable service in a responsible position in Government Service, I cannot all of a sudden begin to be a lier or turn a bad leaf. As far as I know no one has said anything against my character, except perhaps the accusation against me in 1933 that I subsequently inserted a Cr. P.C.Section in an order. But it was held that I was not guilty of it and that also was

a case of insufficient view of the records and the case and then subsequently I was not held guilty of that charge and it was dropped. I wish that as I then prayed for it that there had been a chance afforded to me to prove my complete innocence of that false accusation, even now I pray that if that charge lurks behind the present order it may be made the Subject Matter of an open enquiry and definite findings may be arrived at.

Similarly, this time also it is a case of insufficient view of my case.

I submit that I should not have been so summarily deprived of my character and that such a slur on my Moral Character should not have been cast without any kind of enquiry at all and not even so much as even my explanation being asked.

I am 45 years old with many years of honourable service. Because of my qualifications and training and capacity I have to serve my country and my king in some capacity or other holding positions of authority and honour and so I only pray that I need not be so gratuitously deprived of my character and that there should be a regular open enquiry into the charge already framed against me and if there is anything stated against my character, that may kindly be made the subject matter of additional charges and there may be a regular enquiry on these.

After my long and honourable service and for the sake of the Institutions which I represent and the illustrious family to which I belong and as a mere Government servant

and even as a humble citizen of this Model Government and State, I believe I am entitled to an open enquiry for which only I pray. Truth may be found out and in this matter all that I want is that the Truth may be found out. Because, even if I can be deprived of my job by the Government on any alleged ground of incompetence, etc., still, I respectfully submit I cannot so easily and summarily be deprived of my character and my honour, which is not only mine, but my Community's, my State's, my Family's past and future. It is due to the service which I represent that there should be a fair and impartial enquiry into any allegations against my character and this is all that I ask for.

If it is held that that any such enquiry into reports against my character is unnecessary as I was removed from service not for these reasons then, I respectfully submit that I shall be entitled to ask for the deletion from the said Government Proceedings of the following words, "The Character", in the said G.O. which reads as follows: "As the reports regarding the character and work of Mr. A.S.Govindarajulu Mudaliar were very unfavourable."

A S Govindarajulu

24.10.39.

My Health.

My general health was and is good enough. The conclusion come to about my health in the absence of a Medical Certificate may not be quite correct and I submit that it is not fair on me. I believe, and the doctors say, that I am quite fit for work.

A S Govindarajulu

24.10.39.

Punishment.

When there was not even a reduction or a warning all of a sudden my removal from office under the present circumstances I have set out in detail is, I submit, ~~very~~ too drastic and severe to be just

AS Govindarajulu
24.10.39.

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Pension.

When Mr. Ananda Rao who was not entitled to any pension was given Rs. 40/ in the first instance and it was subsequently increased to Rs. 70/. My prayer that my temporary, but, continuous service in the Maharaja's College, when no other officer had a lean on that appointment and that appointment was after an interval made permanent may,be ordered to count towards pension, may kindly be granted under the hard circumstances of my case. Similarly, when Mr. H.N. Krishnaswami was given the benefit of art. 262 M.S.R. though he was retired because of physical defect and not on superannuation my prayer that the same liberty may be extended to me may kindly be granted. On the findings arrived at by the Commission for which I have prayed Government may I pray grant me full pension or such enhanced pension as it deems fit.

A S Govindarajulu

24.10.39.

The question put to the head clerk.

The Head-clerk will please explain in detail and in writing why in Supplemental Statement to Statement No. 2 for the quarter ending September 1938 the figure 30 for 6 months old cases was omitted ~~there~~ in the fair copy submitted to the District Magistrate ~~to-day~~ though I sent for the draft and see it, the figure 30 is found in the draft.

(Sd.) A.S. Govindarajulu,
II Magistrate,
9-2-39.

(True Copy)

A.S. Govindarajulu

24.10.39.

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THE BAR ASSOCIATION.

President.K.Ranga Iyengar, B.A., LL.B.,

Joint Secretaries. S.G.Narasimha Iyengar, B.A., LL.B.,
K.Srikantia.

Tumkur,
Dated 21-6-1939.

From
The Secretary,
The Bar Association,
Tumkur.

To
A.S.Govindaraja Modaliyar, Esqr., M.A., B.L.,
Arumugam Circle, Basavangudi,
Bangalore.

Sir,

Permit me to forward to you the Bar Association's Resolution dated 20th June 1939 copied below.

Yours faithfully,
(Sd.) S.G.Narasimha Iyengar,
Secretary.

"The Members of the Bar Association, Tumkur in meeting assembled on 20-6-39 place on record, their appreciation of the uniform courtsey shown to them and the litigant public by Mr. A.S.Govindaraja Modaliyar who was till recently the Special II Class Magistrate here."

(Sd.) S.G.N.

A.S. Govindaraja

24.10.39.

3686/39

From

A.S. Govindarajulu
(11. Magistrate Tumkur Retired)
57. Kankanhalli Road
Basavanagudi, Bangalore

To.

The Secretary to the Government
of H. H. The Maharajah of Mysore
Bangalore.

dated 4. 12. 1939.

Dear Sir

I have the honor to submit that if you are not ordering a regular open enquiry into the charge against me and also a medical examination, as only these are my main prayers in my appeal, I pray that trial orders may kindly be postponed for a fortnight, until I have had time to submit my petition that these two things may kindly be ordered, to my King H. H. The Maharajah of Mysore.

I have the honour to be
Dear Sir
Your most obedient servant
A.S. Govindarajulu

Rd
His petition has already been sent to the Registrar Hon Court for disposal 7/12
If approved, this may be filed with the file

10/12
11-12-39

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 14th November 1939.

Dated, Bangalore, 15

No. P3297 Ecc 3 ₹5 42-39-7

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To The Registrar,
High Court of Mysore, Bangalore.

Sir,

I am directed to forward herewith for disposal a Memorial presented to the Dewan by Mr. A.S. Govindarajalu Mudaliar, praying that a Commissioner may be appointed to enquire into the charges detailed in the Government Order dated 6th June 1939 directing his retirement from service.

I have the honour to be,
Sir,
Your most obedient servant,

BKR

Secretary to Government,
Law Department.

Aga/2.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

To

The Registrar

High Court

Sir.

I am directed to forward herewith for disposal a Memorial presented to the Dewan by Mr A.S. Govindarajan Mudaliar praying that a Commission may be appointed to enquire into the Charges detailed in the Govt order dy 6.6.39 directing his retirement from Service

I have etc

Secretary to Govt

Law Dept

9.11.39

WD 0436—GPB—10,000—17-10-33

CS 42-39-8 4314 839

WD 2090—GBPM—800 forms—24-5-39.

No. 2237/one

SECY. LAW DEPT. GOVT OF MYSORE 3/1/40

LEGAL & REV. SECRETARIAT PROTECTION BRANCH. 4 JAN. 1940

THE PALACE, MYSORE,
30th December 1939.

The petition, of which particulars are given below, to His Highness the Maharaja, is forwarded with compliments for favour of disposal.

To

Secretary to the Government
of H. H. the Maharaja of Mysore,
Law Department, Bangalore.

OFFICE OF THE PRIVY COUNCIL JAN 12 1940 No. 6665

By Order,

For *Private Secretary*
to H. H. the Maharaja of Mysore.

No. 282 of 1939-40.

Petition dated 20-12-39, from Mr A. S. Govindarajulu Mudaliar, M.A., B.L., Retired Second Magistrate, Tumkur, praying that an enquiry may be made into his case.

Submd

The previous petition of Mr Govindarajulu Mudaliar was sent to the High Court for disposal. Flag Z

If approved, this petition may be filed

BKR 11.1.40

Law Secy

1st Member 6/1/41

6/1/41 13/1/40 BKR 13.1.40

BKR

Law CBR 13/1

SECY. LAW DEPT. 12 JAN. 1940 GOVT OF MYSORE

47

Confidential Brenner & Kindly to take back the Confidential collections placed below and return the file

CBar 1/11 confidential collections taken & file returned

1/11

3

OFFICE OF THE PRIVATE SECRETARY TO H.H. THE MAHARAJA OF MYSORE.
No.....
26. DEC. 1939

To

HIS HIGHNESS THE MAHARAJAH OF MYSORE,

M Y S O R E.

The Humble petition of

A.S. Govindarajalou Mudaliar M.A., B.L.,

(2nd Magistrate, Tumkur, Retired),

12, Officers Lines,

Pallavaram, S.I.

Dated: 20th December 1939.

Most respectfully Showeth:

Dept concerned
27.12.39

That he humbly prays that His Highness may be graciously pleased to direct either the Dewan or The Chief Justice to order an open independant regular enquiry into the one and only charge against the petitioner as per rules as no such enquiry was even held and his prayer for the same was not granted and The Chief Justice even refused a personal interview to explain the facts relating to the charge.

2. That the charge was with reference to a statement submitted to the District Magistrate and he declared that the petitioner was innocent of this charge.

3. For which act of justice as in duty bound the humble petitioner shall ever pray.

A S Govindarajulu
(The humble petitioner)